

Application No. 10/081,580
Response to Final Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 6 has been amended to recite the feature of the present invention whereby the slide shutter comprises a plurality of slits extending therethrough which are spaced apart at a pitch equal to a pitch of the openings in the lid along a sliding direction of the slide shutter, and whereby the slide shutter is slidable to open and close the openings in the lid by aligning the slits in the slide shutter with the openings in the lid and by removing the slits from alignment with the openings in the lid. See the disclosure in the specification at, for example, page 9, line 21 to page 10, line 12. And see also slits 53a in Figs. 1, 4-8, 10 and 11.

No new matter has been added, and it is respectfully requested that the amendments to claim 6 be approved and entered.

THE PRIOR ART REJECTION

Claims 6-10 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,100,626 (newly cited "Levin") and USP 5,989,402 (previously cited "Chow et al"). This

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rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

As recognized by the Examiner, Levin discloses a base plate 12 and a cover plate 14 with a cassette 16 provided therebetween. And as also recognized by the Examiner, the cover plate 14 of Levin has slots 18 for receiving the channel extensions 42 of the cassette 16.

More specifically, according to Levin, the cassette 16 includes a plurality of channels 50, and fluid is introduced to and removed from the channels 50 through channel inlet 58 and channel outlet 60 (together identified as channel openings 56 in Levin), which are provided in the channel extensions 42. Thus, according to Levin, fluid can be introduced to or removed from the channels 50 through the openings in the channel extensions 42 via the slots 18 in the cover plate 14.

The cover plate 14 of Levin is fixed and not slidable, and the Examiner contends that element 98 of Levin is the slide shutter of the claimed present invention.

It is respectfully pointed out, however, that element 98 of Levin is a manifold base of a twin manifold cartridge 94, which is mounted to the slots 118 to simultaneously fill or flush the channels of the assay device, as explained at column 7, lines 53-59. Indeed, as explained at, for example, column 8, lines 8-21 of Levin, the manifold cartridge 94 is mounted to the

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assay device 10' by inserting a leg portion 100 into each slot 118, and a gasket 116 and adhesive are provided to seal the leg portion 100 in the slot 118.

It is respectfully submitted, therefore, that the manifold base 98 of Levin is clearly not a slide shutter which is slidably supported on an upper surface of the lid, as recited in independent claim 6, and clearly cannot slide to open and close the slots 118 (18) in the cover plate 14 of Levin, in the manner of the slide shutter of the present invention as recited in claim 6.

And it is respectfully submitted that Levin clearly does not disclose, teach or even remotely suggest a slide shutter as recited in amended independent claim 6, which is slidably supported on an upper surface of the lid, and which comprises a plurality of slits extending therethrough which are spaced apart at a pitch equal to a pitch of the openings in the lid along a sliding direction of the slide shutter, wherein the slide shutter is slidable to open and close the openings in the lid by aligning the slits in the slide shutter with the openings in the lid and by removing the slits from alignment with the openings in the lid.

Chow et al, moreover, has merely been cited for the disclosure of a lid rotatably supported about a hinge, and it is respectfully submitted that this reference also clearly does not

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disclose, teach or suggest the features of the present invention as recited in amended independent claim 6.

In view of the foregoing, it is respectfully submitted that amended independent claim 6, and claims 7-10 depending therefrom, clearly patentably distinguish over the combination of Levin and Chow et al under 35 USC 103.

* * * * *

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708e
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

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